

***FWP Region 4******4600 Giant Springs Road******Great Falls, MT 59405*****PUBLIC SCOPING NOTICE – MFWP Lands Project Proposal**

September 22, 2019

Dear Interested Party,

Montana Fish, Wildlife, & Parks (MFWP) will be preparing an Environmental Analysis on a proposal to purchase a 4,400-acre perpetual conservation easement (CE) in Fergus County near Winifred, MT (Exhibit A). The proposed “Whiskey Ridge Conservation Easement”, owned by Dave Bergum, would provide protection, enhancement, and public access to a unique combination of central Montana habitats. The Department invites the public to identify any issues and concerns related to this proposal (scoping). Comments received during this scoping period will help FWP determine public interest, identify potential issues that would require further analysis and may provide insight for refining the proposal or for developing and analyzing additional alternatives.

Background and Authority

MFWP has the authority under law (MCA 87-1-201) to protect, enhance and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. In 1987, the Montana Legislature passed House Bill (HB) 526, the Habitat Montana Program, which earmarked hunting license revenues to secure wildlife habitat through lease, conservation easement, or fee title acquisition (MCA 87-1-241 and 242). Habitat Montana recognizes that certain native plant communities constituting wildlife habitat are worthy of perpetual conservation. Those communities include intermountain grasslands, shrub grasslands and riparian corridors. The property includes shrub grasslands and riparian corridors, warranting conservation considerations.

Senate Bill 230 requires FWP public scoping for certain land projects. MCA 87-1-218 reads as follows: “For all land acquisitions of 640 acres or more proposed pursuant to 87-1-209, the department shall: (a) conduct a public scoping process to identify issues and concerns as the initial phase of an environmental review pursuant to Title 75, chapter 1, part 2; (b) provide the public with sufficient notice of the proposed acquisition and an opportunity to provide input on reasonable alternatives, mitigation alternatives, mitigation measures, issues, and potential impacts to be addressed in the environmental review; and (c) respond to comments received during the public scoping process as part of the environmental review document.”

Conservation easements are partnerships between MFWP and willing private landowners to

conserve important wildlife habitats and provide public recreational access. The landowners receive financial compensation in exchange for adopting conservation and public access CE covenants while continuing to operate private ranching operations. If completed, MFWP would hold and monitor the CE.

Proposed Project Description

This proposed conservation easement consists of approximately 4,400 deeded acres of primarily sagebrush-grassland/Missouri River Breaks in Fergus County, about 8.5 miles north of Winifred. The property adjoins and facilitates access to an additional 15,400 acres of DNRC and BLM lands (including the Upper Missouri River Breaks National Monument (UMRBNM)). The primary objectives of this CE are to provide perpetual conservation and enhancement of high-quality native habitats, maintaining traditional land uses and provide public recreational opportunity.

Project Overview and Objectives

The property straddles two State Wildlife Action Plan (SWAP)-identified Terrestrial Focal Areas, the Greater Sage-Grouse Core Area and the Judith River Focal Area, and comprises a portion of the larger landscape key to maintaining viable populations of bighorn sheep, elk, mule deer, Merriam's wild turkey, sage and sharp-tailed grouse, mountain lion, and a host of native non-game species. Most notably, this property and the surrounding breaks provide important habitat and access to the Southern Missouri River Breaks HD 482 bighorn sheep herd. This bighorn sheep herd comprises a portion of the state's largest metapopulation and provide an important ecological and recreational resource to Montana.

Specific terms of the easement would be contained in a legal document, which is the "Deed of Conservation Easement". This document lists MFWP and Landowner rights under terms of the easement, as well as restrictions on Landowner activities, which are negotiated and agreed upon by of both parties. Below is a summary of the terms that are typical of sagebrush grassland CE's. A future Draft EA will further define terms specific to this proposed easement.

Typical conservation easement terms:

MFWP's rights may include the right to:

- (1) identify, preserve and enhance specific habitats and conservation values of the Land;
- (2) upon prior notice to the landowners, enter upon and inspect the Land;
- (3) monitor, enforce and prevent activities inconsistent with purpose of the easement; and
- (4) provide hunting, trapping, wildlife viewing (recreational access) for the general public.

Landowner's retained rights may include the right to:

- (1) graze livestock within a described grazing system;
- (2) cultivate and farm grain fields and/or hay land (only that which currently exists);
- (3) provide regulated public use of the Land at all times;
- (4) develop and maintain water resources, including springs, on the Land necessary for farming, grazing, and wildlife purposes that are allowed by the easement;
- (5) repair, renovate, improve or remove existing structures and service roads;
- (6) construct, remove, repair and/or replace fences for grazing livestock;
- (7) maintain, renovate, repair or replace utilities existing on the Land at the time;
- (8) use agrichemical, biological, and/or mechanical means for the control of noxious weeds;

- (9) right to maintain, renovate, repair, or replace utility structures existing on the Land
- (10) limited construction of residences within a defined building area as determined by MFWP;
- (11) maintain, restore and/or improve fish and wildlife habitat (subject to prior approval);
- (12) grant, sell, exchange devise, gift, convey, transfer or dispose of all of Landowner's right, title, estate, and interest in the land in one parcel only.

Restrictions placed upon Landowner activities could include a provision that the only allowable classes of livestock to be grazed on the deeded parcels are cattle and horses. Other Restrictions placed may include:

- (1) no removal, control or manipulation by any means of shrub and tree species that could be browsed and utilized by wildlife except in routine clearing for roads, trails, structures and fences;
- (2) no subdivision;
- (3) no cultivation or farming beyond what is described or currently exists;
- (4) adherence to a described grazing plan outlined in the Management Plan;
- (5) no outfitting or fee hunting;
- (6) exploration for or development and extraction of minerals, coal, bentonite, hydrocarbons, soils, or other materials by any mining method that disturbs the surface of the Land is prohibited; in addition, the exploration for or development and extraction of minerals, coal, bentonite, hydrocarbons, soils, or other materials below the surface of the Land by any sub-surface mining method that would significantly impair or interfere with the conservation values of the Land is prohibited.
- (7) no commercial feed lots;
- (8) no game farms or alternative livestock farms;
- (9) no waste, refuse or hazardous material dumping;
- (10) no commercial or industrial use except traditional agricultural use;
- (11) draining, filling, dredging, leveling, burning, ditching, diking or reclamation of any natural or manmade wetland or riparian area is prohibited;
- (12) Landowners shall use their best efforts to assure the retention of any and all water rights
- (13) granting of right-of-way or easements for utilities, roadways, natural gas lines, or other purposes are prohibited without prior approval from the Grantee; and
- (14) construction of facilities for the development and utilization of renewable energy resources, including, wind and solar for use principally on the Land by the Landowners is provided.

Development of a management plan

In addition to the Deed of CE, MFWP would develop a Management Plan that documents strategies for land (i.e. grazing) and recreational access management. The Management Plan is a living document that ensures additional flexibility for the benefit of the Landowner and MFWP in managing the land once the Deed of CE is filed.

Public Involvement and Process

Formal public participation to the proposed purchase of this CE begins with this scoping process. Upon completion of the scoping phase, MFWP will determine next steps, which may include conducting an environmental analysis with additional opportunity for public input or taking no further action. Public scoping comments will help in the development of a Draft Environmental Assessment (EA) which will be available for public review likely Fall/Winter 2020. The Draft EA,

to be published at a later date, will further explain how MFWP's proposed expenditure for this CE would help facilitate protection of the property's wildlife and agricultural values.

The 30-day public scoping on the proposed project from September 24 – October 24, 2019.

Submit written comments: Montana Fish, Wildlife & Parks, c/o Whiskey Ridge Conservation Easement Proposal, 333 Airport Rd, Lewistown, MT 59457. Or, email comments to sandersen@mt.gov Attn: Whiskey Ridge Conservation Easement Proposal.

If you have any questions regarding the proposed project, please call Lewistown-Area Wildlife Biologist Sonja Andersen at (406) 366-5266 or email: sandersen@mt.gov

Thanks for your time and consideration of this proposed project.

Sincerely,



Gary Bertellotti
Region 4 Supervisor
Montana Department of Fish, Wildlife & Parks
(406) 454-5840
gbertellotti@mt.gov

Exhibit A. Proposed Whiskey Ridge Conservation Easement.

